

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

LIGHTING BALLAST CONTROL LLC,

Plaintiff,

v.

UNIVERSAL LIGHTING TECHNOLOGIES,
INC.,

Defendant.

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CIVIL ACTION NO. 7:09-CV-00029-O

JURY TRIAL DEMANDED

PLAINTIFF'S EXHIBIT LIST

Pursuant to the Court's December 27, 2010 Final Scheduling Order ("Order"), Plaintiff submits the following Exhibit List. As explained further below, and pursuant to the Court's Order, the following list shows, in chart form, "that, as to each exhibit shown on the list, (i) the parties agree to the admissibility of the exhibit, or (ii) the admissibility of the exhibit is objected to, identifying the nature and legal basis of any objection to admissibility and the name(s) of the party or parties urging the objection."

For the Court's ease of reference, a column has been added to reflect that Defendant Universal Lighting Technologies, Inc. ("ULT") objects to the admissibility of certain exhibits. If no objection is noted, then the Parties have agreed to the admissibility of that exhibit. Objections have been annotated as follows:

- NR = not relevant; Fed. R. Evid. 401, 402
- UP = unduly prejudicial, confusing, and/or misleading; Fed. R. Evid. 403
- C = likely to cause undue delay, waste of time, or needless presentation of cumulative evidence; Fed. R. Evid. 403
- HS = hearsay; Fed. R. Evid. 802

- 901 = lack of authentication
- 104 = lack of foundation; Fed. R. Evid. 104
- IO = Unreliable expert testimony and/or Improper basis of expert opinion;
Fed. R. Evid. 702-703
- IS = Improper Summary; Fed. R. Evid. 1006
- Untimely = Not timely produced in discovery and/or in connection with expert disclosures under Fed. R. Civ. P. 26(a)(2)(C)

Plaintiff notes that the “UP” and “C” objections both rely on Fed. R. Evid. 403 and thus overlap. Plaintiff has used those objections interchangeably in its objections to Defendant’s Exhibit List.

Exh	Description	Obj. by ULT	Offered	Admitted
1	U.S. Patent 5,436,529 (Deposition Exhibit No. 4)			
2	File history relating to U.S. Patent No. 5,436,529 (LBC000357-486)			
3	Plaintiff’s Original Complaint (Deposition Exhibit 21)	HS; UP; C		
4	Answer and Counterclaim of Universal Lighting Technologies, Inc.	HS; UP; C		
5	Universal Lighting Technologies, Inc.’s Amended Answer, Affirmative Defenses and Counterclaim	HS; UP; C		
6	09.14.05 letter from Thomas W. Tolpin to Patrick A. Sullivan (Deposition Exhibit No. 31; PATTERSON000013-14)			
7	10.07.05 letter from Mark Patterson to Thomas W. Tolpin (Deposition Exhibit No. 55; PATTERSON000018-19)			
8	10.20.05 letter from Thomas W. Tolpin to Mark J. Patterson (Deposition Exhibit No. 33; PATTERSON000023-32)			
9	08.08.06 E-Mail from Mark Patterson to Thomas W. Tolpin (Deposition Exhibit No. 58; PATTERSON000004)			

Exh	Description	Obj. by ULT	Offered	Admitted
10	08.08.06 E-Mail from Mark Patterson to Timothy Gurin (Deposition Exhibit No. 57; PATTERSON000003)			
11	08.15.06 E-Mail from Andrew Bobel to Timothy Gurin; 08.16.06 E-Mail from Timothy Gurin to Mark Patterson (Deposition Exhibit No. 59; PATTERSON000006-12)			
12	10.05.06 E-Mail from Mark Patterson to Andrew Bobel (Deposition Exhibit No. 34; PATTERSON000001)			
13	08.08.08 Exclusive License Agreement between Andrzej Bobel and Acacia Patent Acquisition LLC (Deposition Exhibit No. 13; LBC000001-12)			
14	10.22.08 Assignment and Assumption Agreement between Acacia Patent Acquisition LLC and LBC (Deposition Exhibit No. 29; LBC000537-538)			
15	04.23.09 Addendum to the Assignment and Assumption Agreement between Acacia Patent Acquisition LLC and Lighting Ballast Control LLC (Deposition Exhibit No. 30; LBC001607)			
16	List of Accused ULT Products	Insufficient Description – ULT is unable to identify the proposed exhibit from the description provided; 104; 901; C		
17	Notebook of infringement charts for each accused product along with supporting schematics, wiring diagrams, component parts lists, product catalogs, microprocessor code and other product information, including: ULT000004, ULT000005, ULT000012, ULT000015, ULT000017, ULT000018, ULT000019, ULT000020-21, ULT000022-23, ULT000025, ULT000032, ULT000033, ULT000034, ULT000035, ULT000036, ULT000038, ULT000043, ULT000044, ULT000047, ULT000280-282, ULT000289-291, ULT000378, ULT000877, ULT000878-80, ULT004044-47, ULT004048-49, ULT004053-56, ULT004057-58, ULT004830, ULT004831-34, ULT004835-36, ULT004842-43, ULT004846-47, ULT004848-51, ULT004853-56, ULT004859, ULT004860-63, ULT008069-72, ULT009879-82, ULT012197-200, ULT012201-02, ULT015388-91, ULT015411-14, ULT019104, ULT019125-27, ULT019223-25, ULT020518-19, ULT020523-25, ULT023535-38,	Multiple Documents; ULT objects to the charts on the basis of HS and IO; ULT further objects to the schematics on the basis of 901; ULT reserves the right to object to the remaining		

Exh	Description	Obj. by ULT	Offered	Admitted
	ULT023573-74, ULT023587, ULT023588-95, ULT023683-85, ULT023737, ULT023738-40, ULT023769, ULT023770-72, ULT025752, ULT025753-55, ULT025798-99, ULT025830-32, ULT025854, ULT025951, ULT025952-54, ULT026469-71, ULT026486-87, ULT026514, ULT026515-17, ULT026521, ULT028447-48, ULT028555, ULT028556-67, ULT028568, ULT028570, ULT028573, ULT028574, ULT028584-91, ULT028729-32, ULT028733, ULT028736-42, ULT028743, ULT028745, ULT028747-53, ULT028756-62, ULT028763, ULT028766-72, ULT028773, ULT028776-82, ULT028783, ULT028786-92, ULT028793, ULT028795-801, ULT028810, ULT028813, ULT028814-20, ULT029016-21, ULT029022, ULT029031, ULT029099-104, ULT029106-11, ULT029113, ULT029116-21, ULT029122, ULT029123-28, ULT029131-36, ULT029137, ULT029140, ULT029141-46, ULT029149-54, ULT029155, ULT029158-63, ULT029164, ULT029166-71, ULT029173, ULT029175-80, ULT029182, ULT029185-90, ULT029191, ULT029194-99, ULT029200, ULT029203-208, ULT029209, ULT029212-217, ULT029218, ULT029221, ULT029222-27, ULT029230-35, ULT029236, ULT029239-44, ULT029245, ULT029248-49, ULT029254, ULT029257-80, ULT029281, ULT029284-95, ULT029296, ULT029299-310, ULT029311, ULT029313, ULT029317-28, ULT029329, ULT029332-43, ULT029344, ULT039226-27, ULT043385, ULT043430, ULT043432, ULT043435, ULT043436	documents (wiring diagrams, component parts lists, product catalogs, etc.) in the event that LBC relies on incorrect document(s) in support of its arguments regarding a particular accused ULT product and/or to the extent that there are other inaccuracies relating to the documents		
18	ULT Patents that Cite the '529 Patent			
18.1	United States Patent No. 7,432,660 B2 (Deposition Exhibit 82)			
18.2	United States Patent No. 7,239,094 B2 (Deposition Exhibit 88)			
18.3	United States Patent No. 7,132,803 B2 (Deposition Exhibit 92)			
18.4	United States Patent No. 7,098,608 B2 (Deposition Exhibit 90)			
18.5	United States Patent No. 7,098,607 B2 (Deposition Exhibit 89)			
18.6	United States Patent No. 7,098,606 B2 (Deposition Exhibit 91)			
18.7	United States Patent No. 7,015,652 B2 (Deposition Exhibit 87)			
18.8	United States Patent No. 6,291,944 B1 (Deposition Exhibit 86)			
18.9	United States Patent No. 6,274,987 (Deposition Exhibit 84)			
18.10	United States Patent No. 5,635,799 (Deposition Exhibit 85)			

Exh	Description	Obj. by ULT	Offered	Admitted
18.11	United States Patent No. 5,747,941 (Deposition Exhibit 83)			
19	Summary List of Other ULT Patents (pursuant to F.R.E. 1006)	Insufficient Description- ULT is unable to identify the proposed exhibit from the description provided; NR; 104; 901; C; IS		
20	1996-1997 Bryce Hesterman Laboratory Notebook (ULT039240-39253; Deposition Exhibit 97)	HS; NR; UP		
21	07.11.92 Agreement between Robertson Transformer Company and Andrzej Bobel (Deposition Exhibit No. 36; LBC000056 to LBC000061)			
22	05.12.94 Agreement between Robertson Transformer Co. and Andrzej Bobel (Deposition Exhibit No. 37; LBC000134 to LBC000142)			
23	07.28.97 Agreement between LEB Electronics (Shanghai) Co., Ltd. and Practical Innovations, Inc. (Deposition Exhibit No. 18; LBC001972-1994)			
24	11.31.98 Amendment between Technical Consumer Products, Inc. and Practical Innovations, Inc. (Deposition Exhibit No. 39; LBC002059)			
25	03.01.00 Agreement between Technical Consumer Products, Inc. and Practical Innovations, Inc. (Deposition Exhibit No. 40; LBC000173 to LBC000186)			
26	05.23.01 Agreement between Technical Consumer Products, Inc. and Practical Innovations, Inc. (Deposition Exhibit No. 41; LBC000187 to LBC000195)			
27	09.30.01 Amended and Restated License Agreement between Practical Innovations, Inc. and Technical Consumer Products, Inc. (Deposition Exhibit No. 42; LBC000196 to LBC000205)			
28	04.10.04 First Amendment to Amended and Restated License Agreement between Andrzej Bobel and Technical Consumer Products, Inc. (Deposition Exhibit No. 43; LBC000252 to LBC000256)			

Exh	Description	Obj. by ULT	Offered	Admitted
29	07.30.08 Patent License Agreement between Andrzej Bobel a/k/a Andrew Bobel and Osram Sylvania Products, Inc. (Deposition Exhibit No. 48; LBC000237 to LBC000240)			
30	09.09.08 License Agreement between Neptun Lighting, Inc. and Andrzej Bobel (Deposition Exhibit No. 46; LBC000071 to LBC000080)			
31	11.21.08 Amendment to License Agreement between Neptun Light, Inc. and Andrzej Bobel (Deposition Exhibit No. 47; LBC000069 to LBC000070)			
32	07.10.09 Non-Exclusive Patent License and Settlement Agreement between Lighting Ballast Control LLC and General Electric Co. (Deposition Exhibit No. 51; LBC001953 to LBC001965)	UP; IO; NR		
33	12.14.09 Non-Exclusive Patent License and Settlement Agreement between Lighting Ballast Control LLC and Fulham Co., Inc. (Deposition Exhibit No. 50; LBC001942 to LBC001952)	UP; NR		
34	07.20.10 Settlement Agreement between Lighting Ballast Control LLC and Koninklijke Philips Electronics N.V. (Deposition Exhibit No. 49; LBC002337 to LBC002351)	UP; NR		

Exh	Description	Obj. by ULT	Offered	Admitted
35	ULT Sales Volume and Revenue January 10 2011 (2).xlsx ULT Sales Volume and Revenue January 10 2011.xlsx ULT Sales Volume and Revenue_12.20.2010.xlsx Any other updated or supplemental revenue figures that may be produced in this case. Revenue Numbers through 11.30.10 (Deposition Exhibit 65)	Multiple Documents; 901; Insufficient Description— ULT is unable to identify the proposed exhibit from the description provided; ULT reserves the right to further object upon identification of additional documents by LBC		
36	ULT Financial Statements (ULT036489, ULT036497, ULT036502, ULT038635, ULT038637, ULT038641, ULT038643, ULT038645)			
37	Plaintiff's Emergency Motion to Modify Amended Scheduling Order	HS; UP; C; NR		
38	Defendant Universal Lighting Technologies Inc.'s Response to Plaintiff's Motion to Modify Amended Scheduling Order	HS; UP; C; NR		
39	Meet and Confer Order dated 12.10.10	HS; UP; C; NR		
40	12.22.10 letter from Diana Szego to David Skeels transmitting ULT's document production ULT038559 to ULT039374	HS; UP; C; NR		
41	Schedules attached to the expert witness report of Mark Gallagher (Appendix C)	HS; C; IS; IO		
42	Magnetek, Inc. 1998 Form 10	HS; UP; Ce; NR; 104; 901		
43	Magnetek, Inc. 1999 Form 10	HS; UP; C; NR; 104; 901		
44	Universal Lighting Technologies Product Group Overview (ULT029702 – 29753)			
45	MagneTek Project Business Plan (ULT000283 – 285)			
46	U.S. Patent No. 5,729,096 (Deposition Exhibit 10)	104; UP; C; NR		

Exh	Description	Obj. by ULT	Offered	Admitted
47	Littlejohn & Co., LLC Acquires Universal Lighting Technologies http://www.littlejohnllc.com/newsarticle.asp?newsid=37	HS; UP; C; NR; 104; 901		
48	Littlejohn & Co. Announces Sale Of Universal Lighting Technologies, Inc. http://www.littlejohnllc.com/newsarticle.asp?newsid=50	HS; UP; C; NR; 104; 901		
49	Matsushita Electric Becomes Panasonic Corporation http://panasonic.co.jp/corp/news/official.data/data.dir/en081001-4/en081001-4.html	HS; UP; C; NR; 104; 901		
50	“End of Life Operation of Small Diameter (5/8 inch Diameter or Less) Pin-based Fluorescent Lamps,” NEMA, July 21, 1998. http://download.www.techstreet.com/cgi-bin/pdf/free/807751/NEMA_LSD_21-1998_(R2002).pdf	Incomplete		
51	http://www.michiganutilities.com/business/esource/DisplayESource.aspx?page=escrc_0013000000DP22YAAT-BEA1_PA_PA_Lighting_PA-12.html	HS; UP; C; NR; 104; 901; IO		
52	“Efficient Lighting” http://eetd.lbl.gov/l2m2/lighting.html	HS; 104; 901; IO		
53	“Electronic Ballasts: Market Forces and Demand Characteristics: Fifth Edition” http://www.prlog.org/10191355-electronic-ballasts-market-forcesand-demand-characteristics-fifth-edition.html	HS; NR; 104; 901; C; IS; IO		
54	Triad Compact Fluorescent Ballasts http://www.unvlt.com/literature/flyers/CFL.pdf	IO		
55	“NEMA Ballast Section” www.nema.org/prod/lighting/ballasts/	HS; 901; IO		
56	National Electrical Manufacturers Association documents, including but not limited to Application Note: Wiring Requirements for T-8 Lamps with Instant-start Ballasts	Multiple Documents and Insufficient Description—ULT is unable to identify the proposed exhibit; IO		
57	NEMA LSD 21-1999 (R2002) American National Standards Specifications including, but not limited to ANSI_IEC C78.81—2005	Multiple Documents and Insufficient Description—ULT is unable to identify the proposed exhibit; 104; 901; C; NR; Untimely; IO		

Exh	Description	Obj. by ULT	Offered	Admitted
58	NEMA LSD 21-1999 (R2002) American National Standards Specifications including, but not limited to ANSI_IEC C78.901—2005	Multiple Documents and Insufficient Description—ULT is unable to identify the proposed exhibit; 104; 901; C; NR; Untimely; IO		
59	Data Sheets Notebook (Deposition Exhibit 96 plus missing section number 10)	Multiple Documents; NR		
60	NXP UBA2021 IC Driver Product data sheet			
61	ST Microelectronics ST7 Family Programming Manual			
62	ST Microelectronics ST7LITE0xY0 data sheet			
63	ULT B254PUNV-D Application and Performance Specification			
64	United States Patent No. 7,486,029 B2	NR; Untimely		
65	IEEE Dictionary definitions	Multiple Documents and Insufficient Description—ULT is unable to identify the proposed exhibit; 104; 901; C; NR; IO		
66	Electric Discharge Lamps, John F. Waymouth, The M.I.T. Press, Cambridge, MA 1971 [book]	HS; NR; C; 104; IO; Untimely		
67	Electronic and Radio Engineering, Fredrick E. Terman, McGraw-Hill, New York, 1955 [book]	HS; NR; C; 104; IO; Untimely		
68	Electronic ballast chip set with integral power FETs, Moriarty, J.K., Jr., Truax, T.E., Conference Record of the 1995 IEEE Industry Applications Conference, Volume: 3, Page(s): 2090 – 2097, 1995	HS; NR; C; 104; IO; Untimely		

Exh	Description	Obj. by ULT	Offered	Admitted
69	Improved simulation accuracy and reduced design time for electronic ballast designs which incorporate fixed frequency controller ICs, Yiyong Sun; Conference Record of the 1996 IEEE Industry Applications Conference, Volume: 4, Page(s): 2183 - 2188 vol.4 1996.	HS; NR; C; 104; IO; Untimely		
70	Robertson Product Information – Lamp End-of-Life Circuit Protection, LCP-R10.97 (LBC001248)			
71	Invoices for Translation Services (Patterson000051 to 52)			
72	Ballast Navigator (Deposition Exhibit 78) http://www.unvlt.com/literature/navigator/pdfs/Navigator.pdf			
73	Bobel conception documents (LBC001797 to LBC001799; LBC001814 to LBC001815; LBC001819 to LBC001820; LBC001822)	HS; NR; C; 104; 901; Multiple Documents; Incomplete		
74	03.05.99 letter from Robertson to Bobel (LBC000016)	HS		
75	Demonstrative exhibits, including enlarged images of Figs. 1, 2 and/or 3 of the '529 Patent, enlarged images of ULT product schematics, enlarged images from ULT's claim construction technical tutorial (Appendix pages 17-28 attached to ULT's claim construction brief), enlarged images from Advance's "The ABC's of Electronic Fluorescent Ballast Performance" and/or enlarged images of graphics from expert report of Dr. Victor Roberts	Multiple Documents; ULT reserves the right to further object upon inspection as provided for in the Final Scheduling Order		
76	Sample ballasts and fluorescent lamps, including exemplar ULT ballasts and Robertson ballasts including those made available for ULT's inspection at Mr. Bobel's deposition	Multiple Documents; ULT reserves the right to further object upon inspection as provided for in the Final Scheduling Order		

Exh	Description	Obj. by ULT	Offered	Admitted
77	06.21.02 ULT license agreement with TridonicAtco (Deposition Exhibit 75; ULT038622 to ULT308634)	UP, C, IO, and NR in light of Mr. Gallagher's conclusion that this agreement was not probative of a reasonable royalty (<i>see</i> Expert Report at 27); ULT reserves the right to rely on this document		
78	LBC's chain of title documents (LBC001620 to LBC001621)	HS		
79	Robertson documents Robertson marketing literature (LBC001853)			
80	Article from Bobel's Robertson files (LBC001928 to LBC001929)	HS; NR		
81	Robertson marketing literature (LBC002352 to LBC002353)			
82	Robertson marketing literature (LBC002366)	HS; NR; C		
83	Termination of Robertson license (LBC001969 to LBC001971)	HS; NR		
84	ULT Customer List (Deposition Exhibit 62)			
85	Test results and/or oscilloscope readout for C242UNV, as shown in Dr. Roberts' supplemental expert report of 02.17.11 (Roberts Deposition Exhibit 4)	104; 901; IO; Incomplete		
86	Non-ULT patents that cite the '529 patent (pursuant to F.R.E. 1006)	Insufficient Description— ULT is unable to identify the proposed exhibit; 104; 901; C; HS; Multiple Documents; NR		
87	09.22.08 Acacia Press Release (LBC001101; LBC001297)	HS; 104; 901; C		
88	Mr. Bobel's 1992 – 1993 engineering notebook (Deposition Exhibit 5)	HS; NR		

Exh	Description	Obj. by ULT	Offered	Admitted
89	Additional file history for application no. 08/11,971 (Deposition Exhibit 7)	HS; NR; C		
90	Any and all documents that may be necessary or appropriate for rebuttal purposes, including any and all documents reviewed by Drs. Roberts or Zane or by Mr. Gallagher or Mr. Goldstein, and including any pleadings on file with the Court.	Multiple Documents; ULT reserves the right to further object upon inspection as provided for in the Final Scheduling Order		
91	Demonstratives as per agreement with opposing counsel, subject to Court's approval.	ULT reserves the right to object upon inspection as provided for in the Final Scheduling Order		
92	Universal Lighting Technologies, Inc. Product Sales Document (Deposition Exhibit 63).			
93	Universal Lighting Technologies, Inc. Updated Product Sales Document (Deposition Exhibit 64).			
94	Universal Lighting Technologies, Inc. Updated Product Sales Document (Deposition Exhibit 65).			
95	MagneTek Product Specifications (ULT004031 to ULT004039; Deposition Exhibit 66).			
96	Universal Lighting Technologies, Inc. Product Specifications (ULT009883 to ULT9886; Deposition Exhibit 67).			
97	ULT Holdings, Inc. and Subsidiaries' Consolidated Financial Statements for fiscal years ended January 1, 2006 and January 2, 2005 (ULT036530 to ULT036562; Deposition Exhibit 68).			
98	Patent Cross-License Agreement between Lutron Electronics Co., Inc. and Universal Lighting Technologies (ULT038544 to ULT038549; Deposition Exhibit 73).			
99	License Agreement between TridonicAtco GmbH & Co KG and Universal Lighting Technologies, Inc. (ULT038622 to ULT038634; Deposition Exhibit 75).	Duplicate of Ex. 77; see objections to Ex. 77		

Exh	Description	Obj. by ULT	Offered	Admitted
100	Universal Dimming Controls and Product Plan Update (ULT029570 to ULT029624; Deposition Exhibit 79).	NR		
101	All microprocessor code for all accused products, including: ULT043365-043384; ULT043388-043429; ULT043438-043522; ULT043523-043607; ULT043608-043692; ULT043693-043780; ULT043781-043868; ULT043869-043956; ULT043957-044043; ULT044044-044131; ULT044132-044219; ULT044220-044306 Plaintiff may offer excerpts or summaries thereof, such as the excerpts/summaries of the relevant code included in Dr. Roberts' infringement charts. F.R.E. 1006	Multiple documents		
102	Robertson marketing literature (LBC1771-72).	NR		
103	Osram Sylvania ("OS") purchase orders for products purchased from Neptun (LBC002435-2483)	NR; C; HS; multiple documents		
104	Documents reflecting GE payments (LBC002355-2365)	NR; UP; HS; IO; 104		
105	OS Agreement with Bobel (OSI-000048)			
106	OS Release Agreement with Bobel (OSI-000049-50)			
107	OS Patent License Agreement with Bobel (OSI-000051-54)			
108	OS correspondence with Bobel regarding Agreements (OSI-000001, 21, 22, 29, 43, 44-45, 55)	NR; C; HS; multiple documents		
109	OS purchase order (OSI-000019-20)	NR; C; HS		

Dated: April 25, 2011.

Respectfully submitted,

/s/ Jonathan T. Suder
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April, 2011, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, Wichita Falls Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Jonathan T. Suder